

## PROCEDURAL MISCONDUCT

**Directions: Determine at least nine mistakes made in the following case. Cite the sections of the Juvenile Act that support your opinion.**

Peter is a Child Welfare Professional at Newland County Children and Youth Services who is heading into his weekend on call. The first call at 9:00 p.m. concerns Dolores and her two-month-old infant. The caller states that Dolores was wandering around town with her baby and appeared to be disoriented.

Peter located Dolores, who was quite incoherent. The baby was crying, appeared dirty, was not dressed appropriately for the weather, and had a severe diaper rash. Dolores had nowhere to stay and could not go to the local shelter because she was under the influence of a controlled substance. She could not provide Peter with any resources for the baby's care. Peter drove Dolores to a local treatment center where she was admitted. He then took the baby to his office, gathered further information on Dolores and the baby, and contacted the court which awarded him custody. Peter secured a foster home and placed the child.

Dolores is known to the agency. The case record notes that she gave birth to three children. She used cocaine since her husband left her five years ago. Her first child was born six years ago. After Dolores' husband left, the agency placed the child in foster care and eventually terminated the parents' rights to the child. Dolores' second child was born four years ago. Dolores lost custody of that child when he was age two, and again her rights were terminated to the second child. The current case notes indicate that what little money Dolores has is used to buy cocaine. Instead of paying rent, she stays for a few weeks at a time with various friends.

On Monday, Peter researched Dolores' case files further and ensured that the foster family had the information they needed to care for the baby. He visited Dolores and learned that she would be in treatment for at least 30 days.

By Tuesday, Peter felt that he had gathered sufficient information to draft a dependency petition. He decided to use the first section of the dependency definition and cite Dolores' lack of housing and poor care of the baby. He documented why preventive services were not offered due to the necessity of the emergency placement. Peter put the petition on his supervisor's desk for review. He received it back from her the next day, and was glad that no revisions were indicated. He quickly filed it with the court that day.

## **PROCEDURAL MISCONDUCT (continued)**

Peter received notice that the informal hearing was scheduled for Thursday. He visited Dolores to give notice of the hearing. Since she was hospitalized, she could not attend and waived her and the baby's right to counsel. Since the father's whereabouts were not known, Peter had no other notices to serve.

Only Peter and the agency solicitor attended the informal hearing. Continued custody of the baby was given to the agency. The court set the adjudication hearing to be held in two weeks.

At the adjudication, the court ruled that the baby was dependent. Since the mother was still in treatment, it was decided that it would be better to postpone the disposition so that the mother could complete treatment and secure housing. The court set the disposition hearing to be held in one month. Peter couldn't help but wonder if Dolores would permanently lose this baby as she had her other children.